

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANDRE MURPHY,

Plaintiff,

v.

C.O. NOWICKI, et al.,

Defendants.

FOURTH AMENDED
SCHEDULING ORDER

15-CV-6676L

Further to a status conference having been held with this Court on August 28, 2018, and counsel for the parties having requested an extension of this Court's January 26, 2018 Amended Scheduling Order (Docket # 51), and good cause having been shown, it is

ORDERED that:

1. All mandatory disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure, as well as any objections to the mandatory disclosure requirements, as they relate to defendants CO McInnis and Peter Marche, shall be completed on or before **September 30, 2018**.

2. All fact depositions shall be completed by no later than **March 29, 2019**.

3. The **status conference** scheduled to be held with the undersigned at 2310 U.S. Courthouse, Rochester, New York on **April 2, 2019, at 11:40 a.m.**, to discuss the status of the case and the possibility of settlement.

4. Plaintiff shall identify any expert witnesses who may be used at trial pursuant to Fed. R. Civ. P. 26(a)(2)(A) and provide reports pursuant to Rule 26(a)(2)(B) and/or disclosures pursuant to Rule 26(a)(2)(C) by **April 30, 2019**. Defendants shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26 by **May 31, 2019**.

5. All expert depositions shall be completed by no later than **July 31, 2019**.

6. All discovery in this case shall conclude on **August 30, 2019**. All motions to compel discovery shall be made returnable on or before **September 30, 2019**.

7. Dispositive motions, if any, shall be filed no later than **October 31, 2019**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Larimer.

8. Responding papers are due by **November 29, 2019**. Reply papers, if any, shall be filed by **December 13, 2019**. The motion will be taken under advisement without oral argument.

9. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

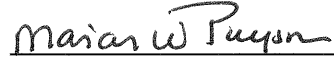
At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a

letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Marian W Payson", positioned above a horizontal line.

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
August 28, 2018